

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE NORTHERN DISTRICT OF OKLAHOMA

3 STATE OF OKLAHOMA, ex rel,)
 4 W.A. DREW EDMONDSON, in his)
 capacity as ATTORNEY GENERAL)
 5 OF THE STATE OF OKLAHOMA,)
 et al.)
 6)
 Plaintiffs,)
 7)
 V.) No. 05-CV-329-GKF-SAJ
 8)
)
 9 TYSON FOODS, INC., et al.,)
)
 10)
 Defendants.)

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 13 REPORTER'S TRANSCRIPT OF PROCEEDINGS

14 FEBRUARY 21, 2008

15 PRELIMINARY INJUNCTION HEARING

16 VOLUME III

17
 18 BEFORE THE HONORABLE GREGORY K. FRIZZELL, Judge

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 20 APPEARANCES:

21 For the Plaintiffs: Mr. Drew Edmondson
 Attorney General
 22 Mr. Robert Nance
 Mr. Daniel Lennington
 23 Ms. Kelly Hunter Burch
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1 out in the field with a unique sample ID number, with the type
2 of analyte that we want to do in that, the type of bottle that
3 we collected. That chain of custody gets signed in the field,
4 goes in with the cooler and the samples get shipped to the lab
5 Federal Express overnight. And then the laboratory personnel,
6 they have a person that checks all that off and again signs
7 that all the samples have then arrived. If they aren't, they
8 let us know.

9 Q. What's the purpose of the chain of custody?

10 A. Again, to document that that sample has been in custody of
11 someone the whole time as it was collected, when it was packed,
12 and when it was shipped and when it arrived in the laboratory.

13 Q. Are photographs ever taken of the sampling process?

14 A. Yeah, I have forgot a couple of things on the field
15 notebooks. If they haven't been to the site before, they
16 record the photographs that are taken with a unique number.
17 They also record any deviations from standard protocols. They
18 check with the supervisor. Sometimes they even call me and
19 that would be noted in the field notebook. If they couldn't do
20 something exactly like the protocol said, we would make a
21 decision whether that would still give you an accurate and
22 representative sample.

23 Q. Okay, sir. Is there any other documentation in addition
24 to -- after the chain of custody that comes in the flow of
25 documenting work?

1 A. Yeah, the next thing that we receive is the actual
2 analytical lab report. And that's usually a full report that
3 reports the concentrations of everything that was analyzed, the
4 methods that were used. It also usually has what's called a
5 case narrative and includes the results of their quality
6 control, their own internal quality control quality, assurance
7 samples, and that case narrative explains, you know,
8 essentially how they did on the analysis.

9 Then we do a final step. We actually have another
10 quality control step where we review every piece of data. And
11 we have specific criteria, again, that have been set up by EPA
12 guidelines to look at the precision, accuracy, completeness of
13 all those, whether holding times have been met or not met. And
14 then if there's some of those things are not in line with the
15 criteria, we flag that data. That can be a flag that should be
16 used with caution, that is it's an estimated parameter, or
17 sometimes we actually reject the data. And it all gets added
18 to our database so that the users know that.

19 Q. Okay. So that if there's a concern about the data,
20 there's a mark or a notation put on that analysis as it gets
21 entered into the database?

22 A. Yeah, they essentially take the sheets from the
23 laboratories and hand mark every analysis whether it's okay or
24 how they qualified it. They include all their notes, e-mails
25 to the laboratory if they have any question and what that